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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,066	10/17/2003	Gregory Scott Clark	215.1022.01	8137
22883 7590 02/01/2007 SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			EXAMINER NEURAUTER, GEORGE C	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/688,066	Applicant(s) CLARK, GREGORY SCOTT	
	Examiner George C. Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2143

DETAILED ACTION

Claims 1-22 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 December 2006 has been entered.

Response to Arguments

Applicant's arguments filed 26 December 2006 have been fully considered but they are not persuasive.

The Applicant argues that the prior art does not teach or suggest the pushing of a file from the server through the firewall to the file transfer gateway. The Examiner respectfully submits that this argument is not persuasive.

First, the Applicant has failed to argue that the prior art does not teach the other claimed limitations of the independent claims and the dependent claims, therefore, the Examiner can only assume that the previous rejections made to these claims

Art Unit: 2143

were and are currently valid. Therefore, the Examiner maintains these rejections.

Furthermore, the Applicant has failed to specifically point out the support for the amendments made to the claims. While the specification does refer to pushing, it does not specifically refer to the situation as argued by the Applicant. In order to avoid enablement issues under 35 USC 112, 1st paragraph, the Examiner suggests that the Applicant show the support for such limitations in the specification. Therefore, this absence of showing the basis for the arguments presented to the Examiner is inherently unpersuasive.

Furthermore, the claims fail to recite and therefore specifically require that the push operation involve any specific functionality beyond the previously recited transferring of the file through the firewall. The nominal recitation of "pushing" of a file which may be interpreted in the context of the conventional downloading a file from one node to another node as is known in the art and as admitted by the Applicant in the specification does not further distinguish the claimed invention from the prior art. Therefore, the Examiner submits that the cited prior art continues to read on the currently presented claims and the instant application is not in condition for allowance.

Art Unit: 2143

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-12, and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0033517 A1 to Rutherglen et al.

Regarding claim 1, Rutherglen discloses a method of transferring a file to or from a server (referred to throughout the reference as a "database server") past a firewall, comprising the steps of:

accessing a web site ("application server"; paragraph 0032) behind the firewall, the web site having a web page including an applet, and the web site associated with the server; receiving the web page and the applet from the web site; (paragraph 0031)

sending the applet to an application at a file transfer gateway ("database proxy object"); and transferring the file between the file transfer gateway and the server through the

Art Unit: 2143

firewall, wherein the file is pushed from the server through the firewall to the file transfer gateway. (paragraphs 0020, 0030, 0038, and 0040)

Regarding claim 2, Rutherglen discloses a method as in claim 1.

Rutherglen discloses herein the web site is at a collaboration manager separate from the server. (paragraphs 0031, specifically "In the example shown, the...system may include an application server 60 and a database server 62." (see also Figure 1) and paragraph 0105, specifically "In another scenario, the database server and the application server are on separate physical machines...")

Regarding claim 4, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein accessing the web site and receiving the web page and the applet are performed using a web browser. (paragraph 0030)

Regarding claim 5, Rutherglen discloses a method as in claim 4.

Rutherglen discloses wherein the web browser and the file transfer gateway are implemented on a client. (paragraphs 0030 and 0038)

Art Unit: 2143

Regarding claim 6, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein the application at the file transfer gateway is a file transfer service implemented on a client or edgebox. (paragraph 0038)

Regarding claim 7, Rutherglen discloses a method as in claim 6.

Rutherglen discloses wherein transferring the file between the file transfer gateway and the server is performed over a virtual channel between the file transfer service at the file transfer gateway and a file transfer adapter at the server. (paragraphs 0038 and 0040)

Regarding claim 8, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein the file is transferred in chunks. (paragraphs 0036 and 0037)

Regarding claim 9, Rutherglen discloses a method as in claim 8.

Rutherglen discloses wherein the chunks are transferred using a basic hypertext transport mechanism. (paragraphs 0036 and 0037)

Regarding claim 10, Rutherglen discloses a method as in claim 1.

Art Unit: 2143

Rutherglen discloses further comprising the step of encrypting, decrypting, or performing some other operation on the file before or after transferring the file. (paragraphs 0020, 0030, 0038, and 0040; see also Figures 3A and 3B)

Regarding claim 11, Rutherglen discloses a method of transferring a file to or from a server past a firewall, comprising the steps of:

authenticating access by a requestor to a web site behind the firewall, the web site having a web page including an applet, and the web site associated with the server; sending the web page and the applet to the requestor; receiving a request from the requestor to transfer the file to or from the requestor; transferring the file between the file transfer gateway and the server through the firewall, wherein the file is pushed from the server through the firewall to the file transfer gateway. (paragraphs 0008, 0020, 0030, 0031, 0038, and 0040)

Regarding claim 12, Rutherglen discloses a method as in claim 11.

Rutherglen discloses wherein the requestor is a browser or edgebox. (paragraph 0030)

Claims 14-18 are also rejected since these claims recite substantially the same limitations as recited in claims 2 and 7-10 respectively.

Art Unit: 2143

Regarding claim 19, Rutherglen discloses a method of downloading a file from a server past a firewall, comprising the steps of:

registering with the server behind the firewall; polling the server for files to be downloaded; and downloading the file from the server through the firewall over a virtual channel; wherein the file is transferred in chunks using a basic hypertext transport mechanism. (paragraphs 0036-0038, 0040, and 0082)

Claim 20 is also rejected since claim 20 recites substantially the same limitations as recited in claim 10.

Claims 21 and 22 are also rejected since claims 21 and 22 recite substantially the same limitations as recited in claims 19 and 10 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherglen in view of "Java Applet Signing Guide" to Wilson.

Regarding claim 3, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein a user accessing the web site is authorized prior to retrieval of the applet. (paragraph 0008, 0030, and 0036)

Rutherglen does not expressly disclose wherein the applet is signed, however, Wilson does disclose this limitation (page 5, first paragraph)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Wilson discloses that signing applets enables the user to determine whether the source of the applet

Art Unit: 2143

can be trusted (page 5, first paragraph). In view of these specific advantages and that the references are directed to communicating information between a client and a server, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Claim 13 is also rejected since claim 13 recites substantially the same limitations as recited in claim 3.

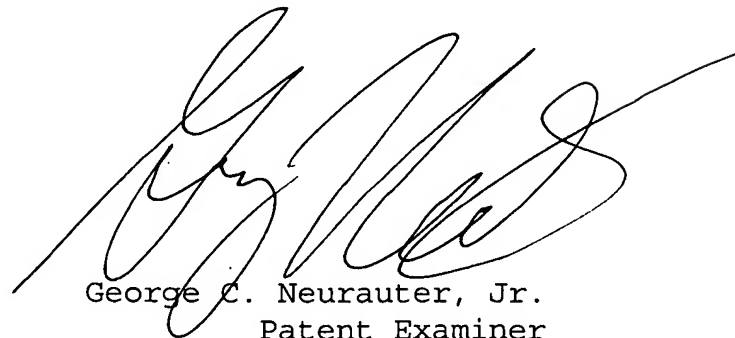
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.
Patent Examiner
Art Unit 2143